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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF
TATIANA AKHMEDOVA,

Applicant,

Civil Action No. 19-mc-26 (JPO)

REQUEST FOR DISCOVERY PURSUANT
TO 28 U.S.C. § 1782.

DECLARATION OF JAMES H. POWER IN SUPPORT OF MOTION TO COMPEL

I, James H. Power, declare as follows:

1. I am a member of the law firm Holland & Knight LLP, counsel for Petitioner Tatiana Akhmedova (“Ms. Akhmedova” or “Petitioner”) in the above captioned action. I am fully familiar with the facts of the above captioned case, and unless stated otherwise, the statements herein are based on my personal knowledge from my involvement in this case, as well as my review of relevant documents in connection with these proceedings and the underlying foreign proceedings.

2. I make this Declaration in support of Petitioner’s motion to compel the production of documents by Y.CO NY Inc., (“Y.Co. NY”) pursuant to a discovery Order issued by this Court

pursuant to 28 U.S.C. § 1782, in aid of certain pending and reasonably contemplated foreign proceedings, as set forth in Petitioner's original moving papers, and in the Motion to Compel.

3. Attached hereto as Exhibit 1 is a true and correct copy of Y.Co NY's New York registration as a domestic entity, and listing its CEO as James Foster.

4. Attached hereto as Exhibit 2 is a true and correct copy of the subpoena served on Y.Co NY via the New York Secretary of State, its registered agent for service of process in New York, along with an affidavit of service attesting to service of the subpoena on September 27, 2019.

5. The subpoena requests "all documents, communications, contracts, payment instructions and transactions related to the Vessel, from January 1, 2015 to present." Ex. 2.

6. Since service of process in September 2019, Y.Co NY has not made a motion to quash the subpoena served on it many months ago. Nor has Y.Co NY served any objection or response to the single document demand contained in the information subpoena.

7. Since December 2019, undersigned counsel has been engaged in discussions with counsel for Y.Co NY in connection with the production of documents in a separate action pending in New York Supreme Court. On December 24, 2019 counsel confirmed via email that he had also been instructed to represent Y.Co NY in this action.

8. Between December 2019 and present, counsel have been continually engaged in discussions concerning Y.Co NY's production of documents in the two cases represented by counsel. Although certain documents were finally produced between April 22 and June 14, 2020 in the New York Supreme Court action (subject to a protective agreement agreed by the parties), no documents have been produced in this action. For the avoidance of doubt, the document requests in the two subpoenas are not identical, therefore the minimal production made in the New

York action (also considered deficient pursuant to that subpoena, although not the subject of this motion) do not satisfy Y.Co NY's disclosure requirements here.

9. I hereby certify that in accordance with Fed. R. Civ. P. 37, prior to filing the motion to compel Petitioner sought to meet and confer in good faith concerning Y.Co NY's failure to produce any documents in this action. Notwithstanding those efforts, no response or objections have been received. Following a lack of progress on the production of documents from Y.Co NY since December 2019, Petitioner advised Y.Co NY's counsel that she would move forward with filing the Motion.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
July 6, 2020



James H. Power